THE New Republic

The Arrogance of Dulles' Diplomacy —An Editorial

PAGES 6 and 7

JUSTICE WARREN AND THE PRESIDENCY

BY ALEXANDER BICKEL

Obscenity, Censorship and the Mails

Herblock and HPX2

Fraternities without Fraternizing

Those Television Inquisitors

JANUARY 23, 1956

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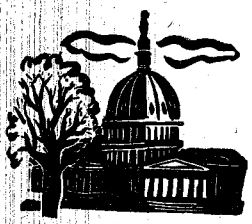

Washington Wire .... T.R.B.

The well-heeled Republicans hold their "Salute to Eisenhower" $100-a-plate dinners over the country on January 20. At Madison Square Garden alone 14,000 loyal supporters will have their intimate little *tête-à-tête* for a gross of $1.4 million. Total national take could be $5-$10 million. This banquet is strictly for the Cadillac crowd. Host Fred C. Crawford (ex-NAM head), chairman of the dinners, set the tone for the affair back in November when he told 200 GOP ticket-sellers that labor leaders plan a "powerful and well-financed" effort to elect Democrats, and he then compared "this minority group" with the pre-war Nazis as "a supreme example of how a few people" could rise to power. Nothing like a little class hatred to loosen purse strings! With this amiable beginning the GOP is off to a fine financial start. The Republican appeal to labor comes later.

GOP diners will, of course, be told that Ike will run. Simultaneously Ike's name is being entered in state primaries. This tends to freeze out other potential candidates and strengthens control by White House leaders if Ike finally steps down. It has been amusing to watch the winds of opinion in Washington veer and shift over Ike's decision. Surely few episodes in US political history have been so dramatic. But for all the words uttered, no politician or columnist, we are satisfied, yet knows the answer. Our own hunch is, and has been from the beginning, that Ike will not run. If this is right it will, of course, help the Democrats, and we may be biased by that thought, though we think we are not. Our guess is based rather on our interpretation of Ike's character and his strong sense of duty. He is likely to approach this grim problem, we think, on a plane higher than those around him. Generals who have had heart attacks don't normally go into battles.

This being an election year it is quite charming to see the Administration's new love for farmers, schools, highways, hospitals, medical research and all the rest. How gratifying it is, after months of trying to arouse the State Department to the need of more foreign aid, to have Dulles springing forward with an urgent program to "Wake Up, America!" Why, we didn't even know we had been asleep! Defense Secretary Wilson —who has heretofore rejected the idea that pipelines are low and our military position relatively declining—dashes in with a "new look" and a request for a billion dollars more for defense. But the things that are going on inside Ezra Taft Benson's soul are the oddest of all. As Agriculture Secretary he has heretofore looked askance at more farm aid. True, the GOP did out-bid the Democrats in the 1952 election when Ike promised "100 percent" parity, but that, it developed, was all a semantic misunderstanding. Only a few months ago the Department was writing Congressmen rejecting the soil bank plan. And now Ezra favors it—he who was cited as the outstanding repository of the Administration's moral obstinacy. Well, well, Ezra is turning out to be almost as flexible as his farm program.

Doug McKay's Interior Department is sadly worried over the current Congressional investigation of the "Al Sarena" case. A private corporation has been timbering off a portion of an Oregon national forest to which it received sudden access from McKay's department on the ostensible ground that it was going to mine silver and gold. But the only mining done has been of taxpayers' lumber, above ground. An Interior Department lawyer was caught circulating press statements in the hearing room for the company under investigation. Department officials admitted they coached the first company witness before he testified. Many of the details in this give-away smell fishy. Our observation of these cases is, in general, that the devices used —while questionable—are not usually corrupt but spring out of a distorted and fanatical belief in "free enterprise" so applied as automatically to benefit some favored private company. It makes a subtle psychological study—how far these cases are motivated by economic dogma, how far by self-interest.

General Services Administrator Edmund F. Mansure, for example—who oversees the purchase of a billion dollars worth of federal supplies a year—testifies in another case that he wanted "some one friendly to the [Republican] Party" to get the brokerage fee for the expansion of a big US-owned nickel plant in Nicaro, Cuba. Like the Al Sarena case, this one looks particularly gamey. Harold Talbott, Peter Strobel and all the other Eisenhower businessmen who have resigned under fire often failed to realize, we believe, that they were guilty of any unethical conduct. They brought the ethics of business to government, and it was part of their dearest conviction that by comparison Washington ethical standards were lower. How could they understand why they were dropped, with a farewell letter of thanks from Ike (as in Talbott's case) in their hands? We don't quite see how Ike can keep Mansure. But it will be a bit touching, just the same, if he becomes the latest cavity in the Clean-as-a-Hound's Tooth Club.

The new Budget forecasts a "continued rise in business activity" and Secretary Humphrey expects personal income to rise $10 billion between calendar year 1955 and 1956. But for some odd reason he thinks corporate profits won't go up: they'll stick at $43 billion. Now this is very remarkable indeed. Is this to be an era of profitless prosperity? We can't help wondering if there isn't a bit of politics involved. Isn't the Administration deliberately holding down revenue estimates to keep Congress under control, and won't it make the wonderful, wonderful discovery, just about May, that revenues are really much higher than hoped and that a $2 billion election-year tax cut (say) is possible after all?

Notes: The name that Democratic Senators have, in the privacy of their caucus room, for Republicans who urge Ike to run, is "Murder, Inc." . . . Recommended reading, "Rural v. Urban Political Power" by Gordon E. Baker, 95 cents, Doubleday Short Studies in Political Science: it explains the rotten borough system that keeps American cities under farm domination.

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BEHIND THE HEADLINES

"I Have Been Shot at From Ambush . . ."

DEMOCRATIC leaders for three years have expressed dismay at the "new look" in American defenses, but the criticism has been dismissed as partisan. These critics charged that the Eisenhower Administration was slashing the armed forces and jeopardizing American security in order to balance the Budget. Although a respected critic like former Secretary of the Air Force Stuart Symington often swayed debate in the Senate, his stern warnings about dwindling defense counted little in the balance of public opinion where they were weighed against those of a President who had been a West Pointer, a Supreme Allied Commander, and a chairman of the Joint Chiefs of Staff.

Last week a critic spoke up whose words cannot be easily disregarded. He too is a West Pointer, a former Supreme Allied Commander and Army Chief of Staff under the present Administration. He has never been identified with politics.

Retired General Matthew Ridgway, writing in *The Saturday Evening Post* of January 21, charges:

> In my job as Chief of Staff I say in all earnestness and sincerity that I felt I was being called upon to destroy, rather than to build, a fighting force on which rested the world's best hope for peace. Day after day, by order of my civilian superiors, I was called upon to take actions and to advocate policies which, if continued, in my judgment would eventually so weaken the US Army that it could no longer serve as an effective instrument of national policy.

The General puts his finger on the reasons for the new policy in these words:

> As Chief of Staff I quickly learned that though my own recommendations were made on a purely military basis, the decisions of the Defense Department were based on considerations other than clear-cut military needs. They were based on budgetary considerations, on political considerations, on the advantages to be gained in the field of domestic politics by a drastic reduction in military expenditures. I learned, too, with a certain sense of shock, that sometimes I was not expected to present my reasoned military judgment to Secretary of Defense Charles E. Wilson. On the contrary, incessant pressure was brought to bear on me, seeking to persuade me to make my views conform to a preconceived politico-military "party line."

Under Secretary Wilson, Ridgway writes, "Policies were adopted which by summer of 1956 will have reduced the Army from 1.5 million men to slightly more than 1 million, and will have decreased Army appropriations from 16.2 billion to 8.9 billion."

At one point General Ridgway describes a public falsehood to which the President was a party. "As a combat soldier," he says, "I have been shot at from ambush and bombed by planes which I thought to be friendly, both of which are experiences that are momentarily upsetting. I do not recall, however, that I ever felt a greater sense of surprise and shock than when I read in President Eisenhower's State of the Union message in 1954 that:

> "The defense program recommended for 1955 is based on a new military program unanimously recommended by the Joint Chiefs of Staff."
>
> As a member of the Joint Chiefs of Staff who most emphatically had not concurred in the 1955 military program as it was presented to the people, I was nonplussed by this statement. The fact is, the 1955 budget was a "directed verdict," as were the Army budgets for 1956 and '57.

And what did Ridgway do about this? "To a soldier, in this situation, there were two courses open," he states. "I could point out to my civilian superiors what I believed to be the consequences of these policies. Then, if their decisions remained the same, it was my duty loyally and faithfully to make the best possible use of whatever was available to me. This I did . . . right up to my last moment in office."

Since General Ridgway retired last June, Secretary Wilson has raised his spending sights a trifle for the year 1956-57. Whereas requirements were estimated at $34 billion last August, now they are set at about $35.5 billion. But even this increase, military analysts agree, will only cover salary increases and rising material costs, and provide no additional defense. In fact, the Defense Department has been consuming its pipeline funds for the past three years, and it is authoritatively predicted that the armed services will require an increase of $5 billion in the 1957 appropriation merely to maintain the present level of armament.

But by then the election will be over. The GOP will have fulfilled its promise to balance the budget, and whoever is elected President next November can worry about that $5 billion increase in defense.

Confusion Compounded

Two new developments make the chances for passage of the Natural Gas Bill 50-50, and if it becomes law, the gas bills of millions of consumers will go up. Purpose of the bill is to remove the natural gas producers from regulation by the Federal Power Commission.

The "oil Senators" from Texas, Oklahoma and Arkansas, who champion the bill have been aided by the equivocal stand taken by Adlai Stevenson on this bill in a recent television broadcast, and by a diversionary attack against the gas distributing companies, which the oil Senators have launched.

Stevenson has told visitors privately that he opposes the Fulbright-Harris bill, and that he said so to the television audience. But the Senators who are out to help the oil-gas companies also took comfort from Stevenson's remarks. A careful reading of the text as recorded January 8 on the CBS program *Face the*

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Nation will help explain the confusion:

"Q. Mr. John Madigan of *Newsweek:* The first big fight, Governor, in the Senate is going to come between the Democrats on the Natural Gas Bill, which would exempt federal regulation of natural gas at its source. All the Democrats here in Chicago are against it, and most Democrats in big cities around the country. I don't think you have ever taken a stand . . . Would you care to take one?

"A. Mr. Stevenson: . . . I'll tell you what my views are. In the first place, I am not well informed. It is a most intricate problem, and I haven't had occasion to examine it closely at all.

"Clearly, natural gas, which is now an indispensable fuel to countless millions, affects the public interest. This has usually been the basis on which we determine the necessity for public regulation, and it is regulated at its distribution point and its transmission point. I think it is imperative that we have natural gas, as long as the supply lasts, at a reasonable price, and to that end we should have regulation. And the bill that is pending, as I understand it, does provide for regulation. The question as it is sometimes represented is how much protection the consumer should have.

"I rather doubt if the present bill, from all I have heard, provides enough protection for the consumer.

"But we must bear this in mind, too, Mr. Madigan, that it will do us no good to have cheap gas and have no gas. We have to take into account, also, and this is what makes it a very special kind and intricate type of regulation, that means must be found not to discourage the exploration of new sources of gas."

In other words, Mr. Stevenson says the present bill does not give sufficient protection to the consumer—the contention advanced by most Northern Democrats; but he also says some solicitous words for the gas producers, which pleased the Southern Democrats in charge of passage of the bill.

The gas producers, meanwhile, have sought to shift attention away from themselves by citing the high profits of the gas distributors. The gas industry is made up of three components: the producers who own the wells, the pipeliners who transport the gas, and the local utilities which distribute the product to consumers. The producers cite the fact that on the average, each dollar paid by the gas consumer goes 10¢ to the producer, 20¢ to the pipeliner, and 70¢ to the distributor.

The utilities—those who get 70¢—have been fighting the legislation which would help the producer, who gets 10¢. So the oil Senators have retaliated by introducing legislation which will require the Washington Gas Company, in the nation's capital, to show on each monthly bill how much goes to the producer, the pipeliner, and the local utility. Similar legislation is being readied on a national basis. So the pot and the kettle have made the two sides of the issue look very much alike, just as the Senate debate approaches.

Volunteer Censors

THE CATHOLIC Legion of Decency, which has been effectively censoring America's movies for the past twenty years, ended 1955 in a troubled frame of mind. Thirty-three percent of the films reviewed by the Legion last year received a "B" rating—"morally objectionable in part for all." This 11 percent increase over 1954 has prompted Roman Catholic Bishops in this country to revive their ancient campaign against "indecent" films.

Certainly the Motion Picture Code is no longer frightening movie producers. Films like *The Moon Is Blue, I Am A Camera,* and *The Man with the Golden Arm* have been released without the imprimatur of either the Motion Picture Association of America or the Legion of Decency.

The influence of the Legion-inspired and defended MPAA Code has grown weaker and promises to grow weaker still in the coming months, as receipts from the above films mount.

About two years ago, Joseph Breen, who had administered the Code since its inception in the thirties, retired and was replaced by Geoffrey Shurlock, a Protestant, who has been accused of interpreting its provisions more liberally than his Catholic predecessor.

Anti-trust suits have forced producers to divest themselves of their theatre chains; block booking is no longer legal, and the nation's newly independent exhibitors are no longer so vulnerable to economic pressures from Hollywood.

Most important, the movie producers themselves have been encouraged to sidestep their own Code by that strapping young competitor, television.

Faced with this deteriorating situation, America's Bishops have promised that their new campaign "will reach into every one of the church's 131 archdioceses and dioceses to correct the apathy of many people and to arouse Catholics to vigorous action." One type of vigorous action is already in evidence. In the past year Catholic women have joined sixty of the country's eighty-odd local motion picture councils. These councils

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Michael Straight, *Editor*
Gilbert A. Harrison, *Publisher*
Helen Fuller, *Managing Editor*

F. R. Ruskin, *Administrative Assistant*
Lucille Davis, *Copy Assistant*
Irvin Shapiro, *Design*

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Eric Bentley, *Theatre Critic*
Delmore Schwartz, *Poetry Editor*

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are composed of members of organizations such as the DAR; the General Federation of Women's Clubs; the American Association of University Women; the American Library Association; the Girl Scouts of America; and PTA groups. The women receive evaluations regularly from a national committee of their parent organizations in New York of every movie made in this country during the past two months. The councils have never acted as censorship bodies; on the contrary, they have served as highly valued public relations organs for the motion picture industry.

In recent months, however, the Catholic women have been encouraging them to put pressure on theatre owners not to play "unacceptable" films. On occasion, they have even approached a distributor, representing themselves as spokesmen for the full council, and have demanded that he not run a given picture. In some instances, the exhibitor is reported to have succumbed.

The successes of the Catholic ladies will, of course, vary from community to community depending on their strength, but their efforts are likely to go for nought if exhibitors discover—as producers are discovering—that one way to stay in business in this TV age is to exceed the bounds of what the Legion of Decency thinks is decent.

The Attack on Anthony Eden

ALTHOUGH only eight months in office, the Conservative Government has come under heavy fire from its own supporters. Anthony Eden himself has attracted the fiercest criticism. In the first week of the New Year almost every Conservative newspaper devoted a leading article to an attack on his conduct of the leadership. And the bitterest attack of all came from the *Daily Telegraph*, normally the most orthodox of all Tory papers. The press campaign culminated in a report that Eden proposed to hand over the leadership to R. A. Butler as soon as the next budget has been launched in April or May.

Eden took the unprecedented step of issuing a formal denial of these rumors. Butler commented with equivocal irony that he would "support the Prime Minister in all his difficulties" because Eden was "the best Prime Minister we have." This only confirmed the common interpretation of Butler's withdrawal from the Treasury: that he hopes to restore his energy and work out a new program for the Conservative Party with a view to taking over from Eden well before the next General Election.

Nevertheless, it is unlikely that Eden will abandon the leadership in the next few months unless his health fails. But if he stays, he will have to work hard to remedy the weaknesses his government has recently displayed. On a whole range of issues, both domestic and foreign, the government has shown appalling indecision and lack of grip, surrendering time and again to unimportant pressure groups. And with Hugh Gaitskell's vigorous direction of the Labour Opposition, the government seems to have lost the initiative.

Eden's own personality explains much of the malaise. He has always surrounded himself with a small clique of Etonians quite unrepresentative of the average Conservative M.P. In his behavior toward his Cabinet colleagues he is vain, petulant, and often overbearing. His recent government changes were unpopular with a much wider range of Tory M.P.'s than those whose personal ambitions were disappointed. But when all this is said, Eden is still far and away the most popular individual with the millions of Conservative supporters in the country. Though at one time Butler was gradually overhauling him in public esteem, the last budget has set back Butler's popularity immensely.

This indeed leads to the crux of the problem. Eden could afford to ignore the Parliamentary opposition to his leadership if he could satisfy the average Conservative voter that his government is capable of fulfilling its election promises to bring down the cost of living. For a Conservative, this can only be done by a big cut in government expenditure. But for all his ability Butler failed totally to find any scope for major cuts. And so long as the government wants to maintain the Welfare State and protect British security, the dilemma will remain. Indeed it is rumored that this year total defense expenditure will actually increase. Moreover, the last budget has stimulated a general demand for wage increases which the government cannot stem even if it wants to.

Now Harold Macmillan is Chancellor of the Exchequer. And the future of Conservative leadership may well depend on whether he can reduce government expenditure in practice before Butler produces a program for reducing government expenditure in theory. Butler's mind has been running over the possibility of financing the Welfare State through indiscriminate indirect taxation rather than income tax. Macmillan, once the leader of Tory radicalism, seems now to have moved far to the Right of Butler. It is possible that he will take big political risks in slashing the social services. If he succeeds in such a policy he may well displace Butler as the most likely successor to Eden. What this would do to Conservative election prospects is another matter.

In many ways the Conservative Party is now entering the same sort of crisis as the Labour Party entered in 1951. In recent years, because it has stolen so many of Labour's clothes, the Conservative Party has become at the roots a genuine mass party rather than the authoritarian oligarchy of the past. But it has not adjusted its leadership to this new situation. And it has not found out how to deal with the new pressures exerted on its policy by the millions of lower middle-class men and women who now form the bulk of its membership. The Conservative Party since 1945 has been essentially a party of protest against the social and economic rise of the working class. As a party of protest it has found it necessary to develop its own Utopia. But no less than the Labour Party it finds its freedom to move toward its Utopia restricted immensely by the hard facts of Britain's postwar position in the world, and by the postwar assumption that every Englishman has the right to a decent standard of living.

The fact that Labour is at last moving out of its crisis of policy and leadership while the Conservative Party is moving into a similar crisis may well determine the course of the next two General Elections.

DENIS HEALEY, M.P.

London.

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The Arrogance of Mr. Dulles

AT LONG last the Eisenhower Administration has officially conceded that on three occasions during the last three years it has as a matter of deliberate policy brought the United States and the world to the verge of nuclear war. "Of course we were brought to the verge of war," Secretary Dulles is quoted as saying in words that he acknowledges are his own: "The ability to get to the verge without getting into war is the necessary art." In defense of his policy of avoiding war by threatening war, Mr. Dulles adds: "On the question of enlarging the Korean War, on the question of getting into the Indo-China War, on the question of Formosa, we walked to the brink of war and looked it in the face."

These phrases are published in the January 11 issue of *Life* in an article which the editors first described as "an exclusive interview" with Secretary Dulles. The material is presented for political reasons, for the author, James Shepley notes, "Dulles' direction of US foreign affairs is under attack these days as the Presidential year gets under way." The information, in *Life's* opinion, "bulwarks the substantial case to be made for Dulles." Mr. Dulles seems to share this opinion. Most Americans may disagree.

The news that Dulles advocated and Eisenhower authorized the bombardment with nuclear weapons of nations with whom we were at peace is startling to voters led by Mr. Dulles' Republican associates to identify wars exclusively with Democratic Administrations.

In some alarm, Republican politicians as belligerent as Sen. William Knowland are insisting that the dispute aroused by the *Life* article is a sham battle over words, "a Tempest in a Teapot" according to Vice President Nixon. But this argument is not reassuring. Mr. Dulles has set forth frankly the spirit which has governed the conduct of the United States overseas under Eisenhower, and which still governs today. There are frantic boasts in the *Life* article, unfounded claims and distortions of history calculated to increase Mr. Dulles' domestic prestige while overseas the friendly governments, well aware of the truth, are weakened and deeply offended. These distortions will be brought to light if the Senate Foreign Relations Committee sets the record straight by publishing Mr. Dulles' own past testimony, given in executive session. Why, for example, should Mr. Dulles claim today that the Indo-China settlement is a diplomatic triumph for his diplomacy, when at the time he described it to the Senate as a tragic advance for world communism? And how can he insist that his threats of atomic bombardment transmitted to Peking by the unwitting Mr. Nehru brought the Chinese communists to heel within two weeks when Nehru himself maintains that he never passed the Dulles threats along?

But past concerns are secondary in importance. For the brilliant victories which Mr. Dulles claims to have won by threatening war are far from secured. On the Chinese coastal islands, if not in the two other areas of conflict, Mr. Dulles may, within three months, lead the United States back to the verge of war—and beyond the verge when the Chinese Communists decline to be deterred by his threats of atomic bombardment.

For this reason it is necessary to treat the *Life* article in terms of the policy that stands until it is repudiated by President Eisenhower. The first characteristic of this policy, in our opinion, is that it is formulated and carried out by Mr. Dulles in a personal, almost autocratic way. Thus the title of *Life's* article is in itself revealing. It is: *Three Times at the Brink of War: How Dulles Gambled and Won.* This title, so appalling in its implications, is amply justified by the article itself which Mr. Dulles or his chosen representative read in advance of publication and approved.

It was Dulles, according to *Life,* who "radically revised the containment" policy of the Truman Administration; Dulles who "altered drastically the basic concept of the job of Secretary of State." It was Dulles, who, loyal to his new concept, conceived of the idea of employing the threat of war as a deterrent, although the fervor of his righteous wrath can hardly be imagined, were the Russians to use the same tactics. It was Dulles who three times proposed "walking to the brink"; Dulles who drafted the resolution which Congress obediently adopted, giving President Eisenhower a free hand to go to war against 500 million Chinese. These feats, according to *Life,* amount to "the greatest display of *personal diplomacy* since the great days of the Franklin-Adams-Jefferson triumvirate in the Europe of the 1780's." (Itals. ours.)

IT MAY be that even *Life* magazine cannot ensure that in future generations the name of John Foster Dulles will take its place beside those of Benjamin Franklin, John Adams and Thomas Jefferson. But, in this, *Life* is right: Dulles in his gambles has wielded personal power that those modest men would have trembled in approaching. *Life* fails only to identify the new and terrifying ingredient in Mr. Dulles' personal power—his ability, subject only to the veto of Mr. Eisenhower, to order human destruction by means of atomic bombs.

It was Eisenhower according to the *Life* interview who

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"decided on the tactical use of atomic arms" in Korea "if the Communists tried to continue keeping the UN command and the US bogged down in stalemate." It was Dulles who "characteristically" put this decision to the service of his "personal diplomacy."

Again, *Life* tells us, when colonial France seemed close to ruin in Indo-China, it was Dulles in a new "display of personal diplomacy" who sent bombers armed with atomic weapons to the South China Sea "in a classic show of force." "Thus," *Life* informs us, "instead of negotiating from the extreme and undisguised weakness of the French position, Mendés-France and Eden found themselves able to bargain from Dulles' strength."

Once again, *Life* tells us, "Dulles faced war" in 1954 and 1955 when Communist China attempted to regain the coastal islands of Quemoy and Matsu. Again we are left to conclude it was Dulles' "personal diplomacy" in brandishing atomic weapons that caused the Chinese Communists to desist. These claims, in the opinion of many informed men, are utterly unfounded. More important, however, is the fact that without doubt Dulles himself *believes* them and seems certain to employ the same methods again, in further displays of personal atomic diplomacy—that is, unless he is checked.

AMONG the nations of the world the United States alone has employed atomic power in the indiscriminate destruction of human life. We acted thus twice in wartime against a powerful and undefeated foe. Justified as our action seemed at the time, it has been one of the strongest of influences in swinging millions of people overseas away from the United States in spite of our pretensions of morality. Mr. Dulles, a leading Christian layman, apparently finds nothing wrong in employing atomic weapons in behalf of objectives that are neither vital to our existence nor well supported by our allies, nor sustained by the United Nations, nor firmly grounded in international law. He finds nothing wrong in arrogating to himself the power to use these weapons in the display of "personal diplomacy." For that, most certainly, is what he has done, and promises to do again.

Our allies, the *Life* interview confirms, were informed only at the last minute of Mr. Dulles' plan to threaten atomic bombardment of Viet-Minh; on Korea and Formosa *Life* fails to indicate that they were consulted at all. Congress, in a similar matter, was not told of Mr. Dulles' secret intentions and, if *Life's* newest version of the Dulles years is accurate, was misinformed.

On the matter of the Chinese coastal islands Congress and the nation were kept wholly in the dark as to whether a Chinese attack upon Quemoy and Matsu would or would not be interpreted as an attack upon Formosa, thereby involving the United States in a war with China. Now Mr. Dulles acknowledges as accurate *Life's* statement that he never doubted that "Eisenhower would have regarded an attack on Quemoy and the Matsus as an attack on Formosa." In other words we are now to praise Mr. Dulles and the President because they concealed from the nation their intention to use the power that Congress so rashly granted them to enlarge a minor effort by China to recover its own territories, into a probable world war.

The power to involve the world in war is the most fearsome power that any man may hold. Mr. Dulles may claim it for himself: the world will not easily acquiesce. Because the penalties of error are so enormous the American people have in the past raised formidable barriers against involving us in war. In turn the alliances of other nations with the United States have been predicated on the knowledge that under our system of government it has not been possible for one man to gamble as Mr. Dulles now boasts he has gambled. So far, certainly, the precarious peace has been preserved. But if Mr. Dulles had lost, and world war, fought with nuclear weapons had followed, would Americans or their allies have concluded that they had been accorded the choice that is the right of free men?

"You have to take chances for peace," *Life* quotes Mr. Dulles as affirming. That goes without saying. The task of diplomacy, above all in a time of nuclear weapons, is to take no chances that are not necessary and, when they are necessary, to make certain that they are evaluated and accepted by the American people and their allies. But Mr. Dulles apparently has an addiction to gambling; and a predilection for close-to-the-chest poker. The corrected draft of the *Life* article that was first distributed to the press records that when the Secretary journeyed to India to induce Nehru to relay Dulles' threat of atomic bombardment to Peking he went "under the cover of the first goodwill visit of the new US Secretary of State." The point is deliberately obscured in the published article, but the point remains.

IF there is an open way and an undercover way of attaining the same objective, Dulles' whole instinct directs him to the second course. Concealment, maneuver, even deception are all ingredients of what Mr. Dulles calls "the necessary art." It is the art of Machiavelli, and for all his lifelong training and his legal skill Mr. Dulles forgets one thing—that Machiavelli died in chains.

No man, we repeat, should assume the power that Mr. Dulles boasts of employing in his gambles, least of all one who prefers the devious to the direct. An alert and active President is the one sure check upon his errors: Mr. Eisenhower is no such check today, nor is he likely to be again. Despite the untold damage it has done the United States abroad, the *Life* article serves a purpose if it alerts this nation to the danger that has commanded scarcely a glance until now. Adlai Stevenson was harsh but essentially accurate in declaring that Dulles has been playing Russian roulette with the lives of every one of us. How many more times will we hear the trigger click?

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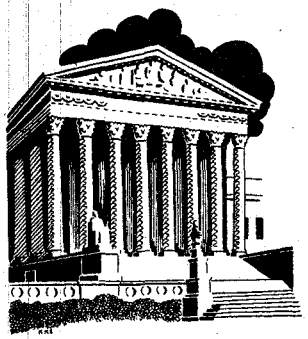

Chief Justice Warren and the Presidency

by ALEXANDER M. BICKEL

ONE HAS to look far these days to find a self-respecting newspaperman who would consider writing a political story without mentioning in the third or fourth paragraph that in the event General Eisenhower should choose retirement, Chief Justice Earl Warren will loom in the minds of many Republicans as their last best hope for 1956. And this despite the fact that some time ago, at his earliest decent opportunity, the Chief Justice declared that he felt happy and useful where he was and did not intend to re-enter politics.

Although there is no evidence of general public alarm, it is fair to say that a slight shudder of apprehension disturbs the body politic—certainly some segments of it—at mention in this fashion of the name of the Chief Justice of the United States. The anxiety caused by the possible entry into, which is itself a form of actual presence in, the political arena of a member of the Supreme Court is soundly rooted in a sense of the nature and function of the Court in our system of government.

De Tocqueville, who so early perceived so much of what we were and would become, noted: "Scarcely any political question arises in the United States that is not resolved sooner or later into a judicial question." For this reason, the Supreme Court of the United States, more than any other court in the world, requires of its members the talent and the training for statecraft. "The considerations which determine decision [on the Supreme Court] are more often an understanding of practical situations, an appraisal of practical needs and a choice between competing policies than they are . . . a knowledge of legal lore." So wrote a great teacher of constitutional law, the late Thomas Reed Powell. And he was referring to only one of the concerns of government which the Supreme Court finally decides.

Two consequences follow, which are in a sense at war with each other. One is that quite naturally, given the requirements of the Court's work, its members are often men of political stature and availability, or at least men whose talents would incline them toward political office. Though only lawyers are eligible, we do not customarily choose our Supreme Court Justices from a professional pool of leaders of the Bar, nor do we employ a regular system of promotion of lower court judges to the Supreme Court. The second consequence is that with respect to no other court is it so important that politicians or potential politicians translated to the Bench remove themselves from—rise above, we like to think—political life. The Supreme Court, not an elective body, time and again decides questions which our elective institutions dealt with only the other day. This would be intolerable were the Court not free of the infirmities we put up with in the legislative and executive branches. There would then be no justification for the Court's electoral irresponsibility. We persist in regarding politics tolerantly as somewhat of a game. But we think of the Supreme Court as entirely serious business. We want from it "a sober second thought" on the merits, not a replaying of the game. And it strains our belief in the strength of man's character to trust a Supreme Court judge who is actively interested in partisan political considerations to disregard them in rendering judgments to which they can be related with such singular ease.

SO IT IS that in appointing successful politicians, fitted to perform the Court's task of statesmanship, we insist that they become former ones. This is a lot to ask, and it is taking chances. History records predominantly the success of the system, but also instances in which the gamble has failed and Justices have succumbed, with deleterious effects for the Court, to the pull of the life that once they led or of the aspiration that once they harbored.

For about a generation, commencing before the Civil War and ending some time after the contested election of 1876, the Court went through what is perhaps the period of its lowest prestige and effectiveness. There were no doubt a number of causes for this, some of the Court's own making, some not. But it is more than coincidence that this period embraced the tenures of four Justices who entertained open Presidential aspirations and engaged in vigorous political activity. The most notoriously politically-minded of these was John McLean, whose biography, by Francis P. Weisenburger, is fittingly entitled, *Life of John McLean: A Politician on the United States Supreme Court*. McLean had been in the Cabinet of Monroe and J. Q. Adams, and came to the

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ALEXANDER M. BICKEL, *a research Associate in Law at Harvard Law School and former Secretary to Justice Frankfurter, is engaged in a study of Justice Brandeis.*

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Court in 1830 by appointment of Andrew Jackson. He was a Presidential candidate in 1836, in 1848 and in 1852, failing of nomination each time. In the Republican Convention of 1856 he hit a high of 196 votes. Throughout his career he consistently aired his views on current political questions, including questions which were on their way up to the Court. He was frequently and strongly attacked for his behavior, and made no great mark as a judge.

Three of Lincoln's appointees followed, though not as flagrantly, in McLean's footsteps. Salmon Portland Chase, the sixth Chief Justice, had been Senator and Governor, and a candidate at the Republican conventions of 1856 and 1860. Till 1864 he had been Lincoln's Secretary of the Treasury, and had finally resigned for reasons not entirely unconnected with an abortive candidacy to succeed Lincoln in that year. After Chief Justice Taney's death in 1864, Lincoln, although he had previously indicated that he had Chase's appointment in mind, hesitated for several months before sending his name to the Senate, because he feared that Chase would be unable to abandon his ambition to be President. Lincoln was quite right. In 1868, Chase sought the Presidential nomination on both tickets, though he made a stronger attempt for the Democratic one. He was unsuccessful, despite his own efforts and those of his celebrated daughter, the beautiful, beguiling and influential Kate Chase Sprague. According to one of Chase's biographers, this political activity did not fail to shake public confidence in the disinterestedness of his decisions.

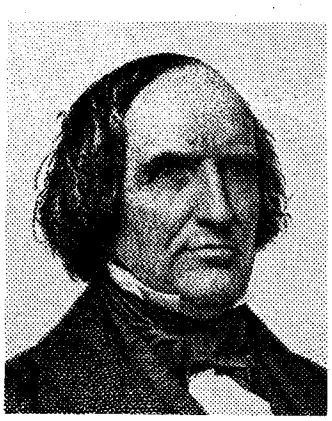
In 1872, after ten years on the Bench, David Davis, Lincoln's friend, mentor and 1860 convention floor manager, accepted, without resigning, a Presidential nomination from a minor party with a view to enhancing his candidacy at the Liberal Republican convention of that year. His effort came to nothing. Five years later, Davis left the Court to take a seat in the Senate. Like McLean, he had been criticized for his political activity.

Stephen J. Field, the last of Lincoln's appointees to pursue the Presidency, was considerably the strongest judge of the three; indeed, he is a massive figure in the history of the Court. Field had had a political and judicial career in the rough and tumble of frontier California before his appointment in 1863, but had not been a national political figure. At the Democratic Convention of 1868, he was placed in nomination, but this was a move apparently made without any encouragement from the Justice. Following the contested election of 1876, however, Field, though he publicly maintained a relatively correct attitude, began to work—assiduously, if to no avail—for the Democratic nomination in 1880. His biographer intimates the suspicion that Field's opinions of the period, among them a dissent from the Court's holding that the Fourteenth Amendment decreed equality in jury service for Negroes, might have been politically motivated.

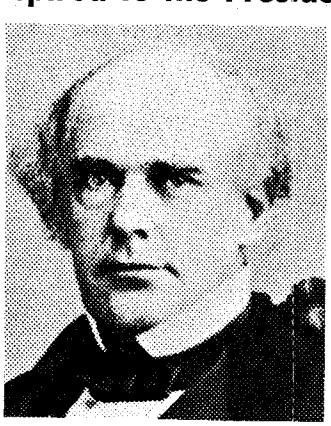
OTHER incidents might be mentioned. Inaugurating the McLean tradition, Justice Smith Thompson in 1828 made an unsuccessful race for the governorship of New York against Martin Van Buren. Earlier yet, but in quite a different fashion, John Jay, first in the line in which the present Chief Justice is fourteenth, was a candidate for the same governor's chair. He lost in 1792, and won three years later, resigning from the Court. Neither time did Jay campaign. But the single remaining important episode, a relatively recent one, contrasts significantly with the experience of the Civil War period described above. It was unprecedented when it occurred, and is likely to remain unique.

Charles Evans Hughes, then Governor of New York, was appointed a Justice in 1910 by President Taft. In 1912 the Republican Party was hopelessly split between Taft and Theodore Roosevelt, and Hughes was approached concerning the nomination. He emphatically and publicly refused to permit his name to be used, and wrote the chairman of the Republican National Convention that he would decline the nomination if tendered. In 1916, the Republican schism was at least as serious. Only Hughes could come close to commanding the alle-

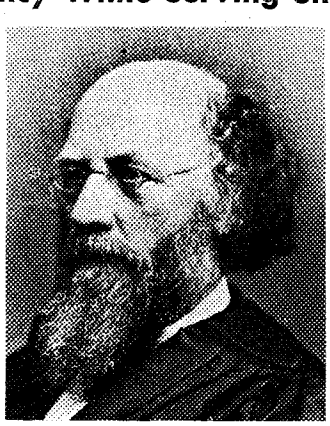
Four Justices Who Aspired to the Presidency While Serving on the Supreme Court



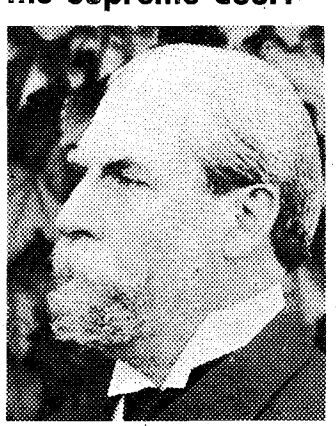
John McLean (1836)



Salmon P. Chase (1868)



Stephen J. Field (1880)



Charles E. Hughes (1916)

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giance of both the Progressives and the Old Guard. Hughes again wrote a public letter declining to be a candidate, and asking that his name not be presented. Nevertheless, there was a considerable public boom for him and much private activity in his behalf. At no time did Hughes take the slightest part in any of this. He was nominated—truly drafted—and promptly resigned from the Court. No issue was made of his judicial behavior during the campaign. Holmes wrote him: "Your first thought was of duty." Hughes subsequently served as Secretary of State and later yet returned to the Court and was a Chief Justice.

The Court has endured despite the McLeans. But its experience with the McLeans makes it a demonstrable fact, not just academic theory, that the recurrence of judges with manifest political aspirations would in time destroy an institution whose strength derives from consent based on confidence. On the other hand, the Hughes episode surely proves that it is possible for a man of unimpeachable integrity to satisfy the demands of political duty without first impairing his usefulness to the Court and the Court's usefulness to the Nation. The line to hold is that of scrupulous abstention from political activity before resignation to make a political race. In these circumstances, that is, following a genuine draft, there is little harm in the resignation. The danger lies in suspicions, arising before resignation, that a Justice is permitting the discharge of his functions to be influenced by the desire to, or by the likelihood that he will, make a political race.

The situation is for all the world like that which prevails in an academic community when romance threatens between a member of the faculty and a student. There is not much harm in their being married. Anxiety centers on the courtship. It is awkward, unseemly and may give occasion for dire suspicions. The more so if there is no marriage. Such a union must simply happen—suddenly. But marriages like that between Mr. Justice Hughes and the Republican Party in 1916 are rarer than those made in Heaven. It does not seem too much to say that we will not see its like on its 40th anniversary. All indications are that Chief Justice Warren is not such a unifying force in the Republican Party in 1956 as Mr. Hughes was in 1916. And we have the unassailable word of the Chief Justice that there will be no courtship.

No one, of course, can prevent the attempts of politicians to explore the possibilities of a happy marriage. Such explorations preceded the event of 1916, and, though Hughes wished to, he could not stop them. Nor does any opprobrium necessarily attach to those who make them—cautiously and with due regard for the welfare of the Court. The stakes, after all, are high, for men, for parties, for the Nation and for the world. In 1916, ex-President and future Chief Justice Taft worked for the Hughes nomination, and it cannot be said of him that he did not have due regard for the good of the Court and for the proprieties to be maintained with respect to one of its members. When such political moves come to the attention of the press, it is its task to report them. But it does seem a thoroughly gratuitous disservice to the Court to keep endlessly repeating the possibility of the Chief Justice's candidacy, not because anything new has happened with respect to it, but simply as filler in political stories which lack any other news to report.

One may trust the good sense of the people and their appreciation of Chief Justice Warren's qualities and of the sincerity of his behavior to prevent his judicial actions during this year from appearing under any sort of a cloud. Yet, especially in view of the fact that the Segregation Cases are, and are likely to remain, the subject of extensive demagoguery in the South, one might wish for a little more restraint on the part of the press in the sport of filling space with what is not yet news and may never be.

Virginia: How Long Can Defiance Last?

by BENJAMIN MUSE

THROUGH freezing rain, and on roads made treacherous by ice, 445,000 Virginians went to the polls on January 9 to express their reaction to the Supreme Court's decision of May, 1954, outlawing race segregation in the public schools. Presented to them, on five weeks' notice, was a device to circumvent the Court's decision worked out over 14 months by a commission of 32 members of the state legislature, headed by State Senator Garland Gray. It called for a radical amendment in Virginia's constitution to permit the use of public funds to finance private, segregated schools. It authorized the expenditure of these funds, not as a direct subsidy but through "tuition grants" to parents in localities in which the public schools might be integrated or else closed down as the result of the Supreme Court's decision.

There was reason to believe that each of these courses

BENJAMIN MUSE, *a former Virginia State Senator, is Virginia Affairs columnist for the Washington Post and Times Herald.*

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would in fact be followed in Virginia. Several localities including Norfolk, now Virginia's largest city, and Arlington had demonstrated a willingness to proceed with the desegregation of their public schools. On the other hand a number of counties with a heavy Negro population had demonstrated their firm intention of closing their public schools rather than permitting white and colored children to be educated side by side.

When the Supreme Court handed down its decision, Virginia at first seemed notable for the moderation of its officials. Dowell J. Howard, State superintendent of public instruction, commented, "We teach children to obey the law of the land and we will abide by it." Soon, however, "the organization" line was laid down. "I intend," declared Governor Stanley, "to use every legal means at my command to continue segregated schools in Virginia." The "legal means" took shape in the Gray Plan. The organization-controlled Assembly adopted the plan by 93 to 5 in the House of Delegates and by 38 to 1 in the State Senate. And yet, after two weeks of debate "the organization" concluded that the plan might fail. From then on the original objective of slapping the Supreme Court and impressing the government became secondary to preserving the tradition of Byrd organization invincibility in Virginia.

THERE are occasions when division in the ranks of "the organization" is cheerfully tolerated. For example it split wide open in 1952, and, following the elections, quickly and amicably reformed its ranks. But there are other occasions when every politician knows that the machine means business and that to dissent is a mortal sin. The Gray Plan was one. By Christmas "the organization" was back against the wall and its last reserves were in the battle line. The unique prestige of Colgate W. Darden, a former Governor and now president of the University of Virginia was lent to "the organization." At the same time a handbill distributed by mail throughout the state warned voters: "Do not be confused by the NAACP, the integrationists and the misinformed. A vote FOR the convention is simply a vote against enforced integration."

One hundred and forty-four thousand Virginians rejected the Gray Plan. Twice that number supported it. The victory was given landslide proportions by the vote of the rural districts where race prejudice and "the organization" are most strongly entrenched. Virginia's 31 cities approved the convention, but by a majority of only 57 percent. In contrast, the counties where Negroes predominate voted five or six to one for the plan. There are well over 725,000 Negroes in Virginia, and of these 90,000 or so are registered voters. In a record turnout 40,000 went to the polls. In Roanoke where Negro voters expressed themselves, the Gray Plan was favored by only 50 votes. But in the "black belt" few Negroes ventured to the polls.

So the "organization" won a qualified mandate. Now it must decide how it is to be interpreted and used. An extreme group among the pro-convention forces is now eager to go forward with a thing called "interposition" — that is the interposition of the sovereignty of the state between the Supreme Court, as a federal agency, and the people. This pre-Civil War doctrine, resurrected and elaborately agitated by the *Richmond News Leader*, has aroused widespread interest in Virginia and the South.

There He Sits

The interposition bill introduced in the Virginia General Assembly in early January by Delegate John B. Boatwright declares that the Supreme Court's anti-segregation decree was "an unlawful and unconstitutional assumption of power," and affirms that until the United States Constitution is amended "in the manner provided by the Constitution, this Commonwealth is under no obligation to accept supinely an unlawful decree of the Supreme Court, . . ." The bill provides further that, until the United States Constitution is amended to prohibit segregation by race in the public schools, "the Governor . . . shall ensure that the public free schools operate in the future as they have in the past. . . ."

This is plain defiance, and cooler heads in the organization are counselling caution. Sen. Harry Byrd maintained during the debate that there should be no "precipitate action in the immediate future." He has since repeated his view. Among other problems faced by the state administration, the practical mechanics of the Gray Plan remain to be worked out. For instance, private schools with sufficient capacity to accommodate any appreciable fraction of Virginia's 750,000 public school pupils do not at present exist, and buildings for them could not readily be found.

And moreover, the tuition grant for each child is limited to the average per pupil cost of public school operation in the locality. This averages only about $200 a year for the state—less than half the usual cost of private school education. Since the grant would be available only when the children are actually attending private schools, only families able to supplement the grants with cash from other sources would receive them. Families in the lower income brackets might be left only with a choice of either integrated public schools or no schools for their children. An increase in the rate of tuition grants is unlikely in this economy-minded state, and so its expense is one of the features that is likely to cause the plan, once enacted into law, to fail.

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We've Never Had More Freedom

by JOHN P. ROCHE

ABOUT a year ago, the editors of the *New Republic* asked me to prepare a series of articles on the "State of Our Liberties." When we discussed the scope and direction of the series, it was my conviction that American freedom was on the downgrade, that our liberties today are considerably more circumscribed than they were, say, a century or a half-century ago, and the articles as then conceived were to reflect this viewpoint.

However, as I began working through material on the issues under examination, I became increasingly uncertain about my original framework of analysis. In fact, I began to wonder if the "Golden Age of American Freedom," which civil libertarians so confidently locate in the indefinite American past, were not just a myth. At this point, I started to stall off the editors' importune requests for my manuscript and launched an intensive investigation into the history of American non-conformism.

The outcome of this investigation is the series of three articles which follow. Although I make no claim to originality, the net result is a substantial revision of much current liberal thinking on the subject of civil liberties. The core of my thesis is that American freedom has never been as firmly established or as broadly shared as is the case today. This thesis will seem overly sanguine to some. And so I should make it clear at once that I am not suggesting that the American Civil Liberties Union close up shop, nor am I justifying for one minute the many abuses of civil liberty that do occur. My optimism about the present, if optimism is the appropriate word, is founded on a pessimistic estimate of the past rather than on any conviction that we have achieved Nirvana. We still have a long way to go, and it will take continued struggle by thousands of dedicated individuals to keep the standard of freedom moving forward. Yet, there is no need to travel under the illusion that we are moving downhill from a mystical, unfettered past; on the contrary, it seems to me demonstrable that we are moving up the road from the lynching and the tar-pot toward the aspiration of impartial justice and the rule of law.

We are accustomed, when we consider our civil liberty, to extoll the "grass-roots" freedom of the early American scene—the New England town meeting, the spontaneous democracy of the frontier. We bewail the fact that the growth of the industrial state and the increasing bureaucratization of life have created an impersonal civilization in which individualism and liberty wither. Too often we forget that the other side of the direct democracy of the town meeting was the direct democracy of the lynching. That brilliant political sociologist Alexis de Tocqueville noted this ambivalence in his penetrating treatment of "The Unlimited Power of the Majority and its Consequences" in *Democracy in America.* Indeed, if one accepts majority rule as the touchstone of democracy, he must accept the lynching as a democratic institution, for in it we find the sovereignty in its starkest form.

Yet, until quite recently, democracy in the United States on the basic level of political decisions was rule of numbers pure and simple. True, this rule of numbers was frequently disguised by the forms of due process of law—"Give him a fair trial and hang him!" as the California gold-field slogan put it—but, unlike the situation in economic matters where the courts threw roadblocks in the way of direct democracy, there was little to protect the unpopular citizen from the wrath of his enraged neighbors. If worst came to worst and attempts were made to enforce individual rights on behalf of the nonconformist, a jury drawn from the vicinity could generally be counted upon (as in the recent Till Case) to redress the balance in favor of community sentiment.

What has confused historians looking back at the intellectual and social history of the United States is the fact that great diversity of opinion indubitably existed in the nation. From this they have drawn the erroneous conclusion that there was toleration of divergent opinions among the populace at large. It is my contention that the diversity of views was a consequence not of tolerance and mutual respect, but of the existence of many communities within the society each with its own rigid canons of orthodoxy.

IN other words, if a man looked hard enough, he could probably find a community within the United States that shared his own peculiar views, and joining it, he could help impose his eccentricities on all within reach. The United States was the happy hunting ground of what David Riesman has acutely termed "vested heresies." There was no monolithic centralized state to fulfill the European model of authoritarianism, but there was decentralized authoritarianism aplenty. Of libertarianism, the respect for views considered fundamentally "wrong," there was little: the Populists, for example, were as ready to suppress economic orthodoxy as the economically orthodox were to expunge Populism.

JOHN P. ROCHE *is a member of the political science faculty at Haverford College.*

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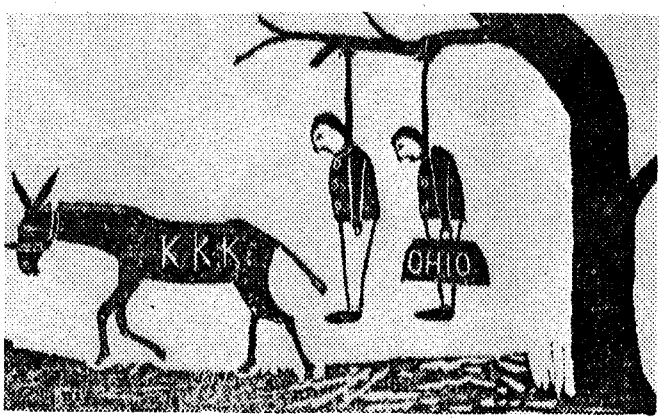
Space does not permit extensive documentation of this hypothesis, but several examples can be quickly mentioned. First and foremost were the settlers of the Massachusetts Bay Colony who came to this country from Britain not to escape persecution, but to establish the religious absolutism that the laws of England would not permit. Massachusetts Bay, the "Zion in the Wilderness," was the archetype for hundreds of subsequent religious communities that have been established on the twin principles of freedom for Truth, and suppression for Error. The internal authoritarianism of such groups as the Mormons, Amish, Mennonites, and Brethren—at least in the Nineteenth century—is clear.

SOME confusion is created by the fact that our forefathers certainly seem more tolerant than we are. In part that may be because they did not necessarily share our convictions as to what was important. Thus from Jefferson's broad tolerance in religious matters is deduced a full belief in freedom of opinion. It would seem more accurate to say that Jefferson considered religion unimportant and was therefore willing to permit any nonsense to be spoken from a pulpit. However, in an area which Jefferson did consider important, he was prepared to excommunicate ideas. For example, in his capacity as *deus ex machina* of the University of Virginia, Jefferson insisted that the trustees (Board of Visitors, to be exact) should have the power to select textbooks in the field of Government. In a letter to Joseph Cabell, written a year before his death, the Sage of Monticello observed:

> there is one branch [of learning] in which we are the best judges, in which heresies may be taught of so interesting a character to our own State, and to the United States, as to make it a duty to lay down the principles which shall be taught. It is that of government. . . . It is our duty to guard against the dissemination of [Federalist-Nationalist] principles among our youth, and the diffusion of that poison, by a previous prescription of the texts to be followed in their discourses.

In short, freedom of ideas stopped when the insidious poisons of Marshall, Kent, and Story came into the picture, and it is not surprising that a year later we find Jefferson much concerned lest an unorthodox, *i.e.*, Federalist-Nationalist, jurist be appointed to the chair of law at the University.

Some may object that this example has been taken from Jefferson's dotage, so another example taken from his political prime is apposite. It is seldom appreciated that Jefferson's fundamental objection to the Sedition Act of 1798 was based on his states'-rights outlook. He was not necessarily opposed to sedition actions on principle, rather he was opposed to Federalist dominated courts enforcing the wrong orthodoxy on the press. In this spirit we find President Jefferson in 1803 writing Governor McKean of Pennsylvania:



Post-Civil War Justice: Carpetbagger and Skalawag

> the federalists having failed in destroying the freedom of the press with their gag-law, seem to have attacked it in an opposite direction; that is by pushing its licentiousness and its lying to such a degree of prostitution as to deprive it of all credit. . . . This is a dangerous state of things, and the press ought to be restored to its credibility if possible. The restraints provided by the laws of the States are sufficient for this, if applied. And I have therefore long thought that a few prosecutions of the most prominent offenders would have a wholesome effect in restoring the integrity of the presses. Not a general prosecution, for that would look like persecution; but a selected one.

I have quoted from Jefferson at some length not with the intention of defaming his character. (He was a great American politician, which almost by definition means that he would be willing to use any stick to beat a dog.) On the contrary, he was a militant believer in freedom *as he defined it,* which makes the key point of this analysis.

Sincere obeisance has always been paid to the principles of freedom of speech, press, assembly, and opinion by the great majority of Americans. But few generations have looked with kindness upon those who challenged the established order. There have always been incisive differences of viewpoint as to what constituted speech and opinion, and what constituted subversive action. The general outcome of this conflict, which was seldom publicly articulated, was that each community established certain key symbols to which it demanded unqualified allegiance of both idea and action. Outside of this myth-sector, broad differences of opinion were taken for granted. In the Old South, for example, there were few limitations on freedom of speech or press providing the individual concerned accepted the validity of slavery, but the non-conformist was shown no mercy. It is often forgotten that the first Jew (Benjamin) and the second Catholic (Mallory) to hold Cabinet rank in this country took their seats around the table with Jefferson Davis in 1861!

Freedom of opinion in general has thus been recog-

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nized and honored, but woe unto the non-conformist who laid profane hands on the Ark of the Covenant, who rejected a key myth, for by his action he has transmuted his offense from permissible difference of opinion to forbidden conspiracy against the *lares* and *penates* of the community. The house gods may vary from community to community, as they often did in the era before the economic consolidation of the nation and the communications revolution, but the reaction was the same: tar and feathers, the knout, the club, the noose—the latter sometimes reinforced by the ritual of trial by jury. The Non-Partisan League organizer in Minnesota, the Wobbly in Colorado, the abolitionist in Georgia, the Socialist in Oklahoma, the Catholic in Know-Nothing territory, and other crusaders for now forgotten enthusiasms, all felt the scourge of the great god numbers. Indeed, a close reading of American social history leaves one with the ineradicable conviction that tar and feathers was standard armament for "grass-roots democracy."

Nor is the decentralized authoritarianism in our past limited to political and religious agitation. It is one of the ironies of history that the academic freedom of which the French and British are so proud is the consequence in the British instance of the virtually complete autonomy of the educational system from local pressures, and in the French instance, of the complete centralization of authority over the national educational system in an irresponsible bureaucracy. It is American "grass-roots democracy" that has put public educational institutions at the mercy of local pressure groups. Here as in all issues we pay our money and take our choice, for if local communities are restrained from doing evil, they can also be restrained from doing good.

In recent years however there has been a distinct let-up in the force of direct democracy in the United States, and with it an easing of pressure against non-conformity. The Negro, the trade union organizer, the radical, even the Communist, have rights today that were non-existent, or at best fragmentary, 30 years ago.

It is my contention that two major developments are responsible. The first is the increasing power and jurisdiction of the national government over national life which has taken place as a concomitant, if not as a consequence, of the increasing industrialization and urbanization of the nation. The second is the rise of civil liberty elites, leadership groups, in American society that have initiated unceasing legal and educational campaigns on behalf of the rights of non-conformists. Let us examine these two propositions in some detail.

The national government was insulated against "direct democracy"—and by design. The Framers of the Constitution were superbly successful experimenters, but they sought to bar mob rule. The instrument of government they created was contrived above all to exorcise passion from political decision-making, to make impossible the sudden seizure of power by any faction, however well motivated. It is not accidental then that the United States—a nation historically characterized by violent tides of political extremism—has never fallen into the hands of extremist politicians. State governments, even Congress on occasion, have fallen before sudden political tempests, but the winds have always died before they could overwash the sea-wall of strategic delay. Reformers, both sound and unsound from the democratic viewpoint, have had to bide their time at the gates of the constitutional fortress. The constitutional framework, the diffusion of the power to govern among competing power centers, cannot frustrate indefinitely the demand for change, but it can insure that whatever changes do become incorporated in public policy will rest on the "sober second thought" of the American community rather than on the pitch of frantic passion.

But an even more important factor is the social and economic consolidation that underlies this increase in national power. Here the outstanding characteristic is urbanization and the impersonalization of life that accompanies life in the metropolis and its suburbs. The growth of the city saw the disintegration of the rural system of social control, centered usually on that highly efficient intelligence service, the rural church. In the city it is quite possible to live differently, and believe differently, from one's neighbors without their even knowing, much less caring, about the deviation. While associations may be formed on a neighborhood basis, more frequently there are functional alignments: one's friends are the people one works with, who may be scattered all over town.

Moreover, except for the impersonal organ of the police, there are in the city no ready-made instruments of social control, of "direct democracy." Although such organizations as the American Legion may bid for the role with great vigor, they can seldom make a dent in the great wall of indifference. In sum, non-conformity, a psychological manifestation of strong individualism, is paradoxically sheltered by a blanket of urban anonymity.

For obvious reasons—the inherent impotence of city man in the face of food, water, electricity, transportation crises, the recognition that his destiny is controlled by factors beyond his reach—urban politics has been government-minded. Probably because most state legislatures are controlled firmly by non-urban forces, he has turned to the national government for his salvation. But urban man has not only turned over to Washington his economic destiny, he has also waived in favor of the federal government his ancestral right to take direct action against the desecrators of his house gods: *Enter*—the Smith Act.

To assert this is, of course, to oversimplify the background of the Smith Act, which was part and parcel of the national defense program, but I think it is interesting

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to compare the treatment of "subversives" in the 1940's and 50's with that of 1917, 1863, or even 1776. Personally, I consider the Smith Act and its subsidiary legislation unwise and unnecessary—in my view, existing statutes were adequate to the danger—but in the long view I have little sympathy for the imprisoned Communists. Compared with the treatment handed out to authentic radicals in 1918, they have merely attended a compulsory tea party. I wish no human being any hard luck, but I save my tears for those who suffered genuine martyrdom in the cause of human freedom. Few people have fallen under the arm of the Smith Act—probably about enough to fill Tom Mooney Hall. In fact, they are probably holding a protest meeting against the "police state" there this week, for most of those convicted are out on bail.

And yet if civil liberty has gained from this process of urbanization and nationalization of political decision-making the gain has been accidental, a mere by-product of impersonal historical developments. In contrast the second factor in my analysis, the growth of civil liberty elites, involves human action and volition. Outstanding in this category of opinion-leaders have been the lawyers, closely followed by ministers, teachers, editors, and business men. Perhaps most important of all have been the professors of law, for as the law has become more and more an educated profession—as distinct from the old system of informal "reading" in a lawyer's office—that rigorous emphasis on procedural regularity and due process which is the mark of the expert teacher has permeated the consciousness of generations of students. Moreover, law today is the access-way to careers in labor, business, and politics even more than was the case a century ago, so business elites, labor elites, and political elites have been influenced by this climate of opinion.

More important perhaps has been the infiltration of national government decision-making groups by the legal elite. The great legal migration to Washington that took place in the 30's as the consequence of the mushroom-like growth of the national administration resulted in thousands of key jobs being held by firm advocates of due process of law and civil rights. The full impact of this legal colonization on the civil rights climate of the national government can only be imagined; in practice it meant that the thousands of basic, mundane decisions in which human rights were involved were suffused with a new direction. In addition, to throw in a really intangible factor, the ablest law school graduates become clerks to members of the judiciary, with all the potential influence that this anonymous function can imply. As de Tocqueville saw the legal profession of his day as a real check on the excesses of local democracy, so today we can see the lawyers as a force for regularized —even pettifogged—procedures of national governmental operation and for the maintenance of the myth of impartial justice, a myth never fully fleshed, but nonetheless vital as a goal for collective aspirations.

But the improvement of the civil liberties climate has also been due to the passionate efforts of crusading individuals and groups. It is almost true to say that the American Civil Liberties Union invented civil rights, for before this organization came on the scene after World War I, there was little articulated interest in or concern for the problem except among the oppressed. Much the ACLU did directly, but above all, it supplied a formula—a public relations "package"—a body of civil rights doctrine, around which could be mobilized the teachers, trade unionists, ministers, editors, and others who had previously lived in atomistic impotence. Roger Baldwin, a Madison Avenue advertising genius who somehow located on the wrong street, supplied the organization an impetus and a direction that gave the Union a nationwide reputation in an incredibly short space of time. For every dues-paying member, there were probably a hundred non-members, frequently in key opinion-forming positions in their communities, who followed the Union's leadership, rallied to its campaigns, and passed on its position to their opinion-constituents.

In this article, I have suggested that the concept of civil liberties as we think of it today is a modern development on the American scene. Roughly prior to World War I, an American's civil rights were a coefficient of his sub-culture. If he remained among his co-believers, his rights were secure (and he was secure in his right to enforce his opinions on non-believers in his bailiwick), while if he travelled among heathens, he expressed himself at his peril. In practice, the great bulk of Americans had substantial freedom because they lived and died among their co-opinionists in a context where unquestioned and unquestioning allegiance was rendered to the vital myths of the group.

Some may question this thesis on the ground that it rests on the analysis of extreme cases, of radically deviant opinions, and is therefore unrepresentative. But in a discussion of civil liberties, it is the extreme situations which determine the theoretical framework; the fact that Democrats respect the rights of Republicans is not analytically meaningful, for neither group challenges the vital myths of the other—indeed, they share the same body of myths with minor variations. The touchstone of an authentic civil libertarian is his attitude toward one who denigrates the house gods. Unless one is willing to defend the rights of the person whose views (and this is a discussion of views, not overt acts) are not ranked as "opinion," but as subversion or sacrilege, he can not in justice claim to defend civil liberty.

This is the first of three articles on the state of our liberties.

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BOOKS & COMMENT

Obscenity, Censorship and the Mails — I

by Edward de Grazia

NOT long ago, the Post Office Department tried unsuccessfully to bar from the mails over one million copies of *Confidential* magazine because it found the magazine obscene. It mattered little to the Department that several million Americans obviously disagree with its sense of their decency. It mattered little to the Department several months ago that Aristophanes' *Lysistrata* had delighted (if not convinced) twenty-four centuries of men. *Lysistrata* was branded obscene, seized from the mails, and freed only upon commencement of legal proceedings and a blaze of newspaper indignation. The Post Office has never submitted to Justice Holmes' stinging dictum — "The United States may give up the Post Office when it sees fit; but while it carries on, the use of the mails is almost as much a part of free speech as the right to use our tongues."

The Post Office Department has no public *Index Expurgatoris*, perhaps because it is believed that an Index serves to stimulate reading of the proscribed books. But the Department does have a file on most of the books and magazines which have been seized, censored or suppressed through various Administrations, Democratic and Republican. Among these—and most literate persons will need travel no further than their home book shelves — are "obscene" works by Ernest Hemingway, John O'Hara, James Jones, J. D. Salinger, Erskine Caldwell, Alberto Moravia, John Steinbeck, James T. Farrell, Norman Mailer, Calder Willingham, Vivian Connell, Charles Jackson and Richard Wright. Titles by Maugham, Dumas, Voltaire, de Maupassant, Zola, and Tolstoi have also been found obscene. There are works by Frank Harris and undistinguished novels in considerable number. But there also is found the literature of Aristophanes, Ovid and Apuleus, in unexpurgated translations. There are innumerable books on sexual love, sexual techniques, sexual deviations, sexual behavior and contraception, and comprehensive German works on erotic art and ceramics. And so are there classic works by Sigmund Freud, Krafft-Ebing, Wilhelm Stekel, Margaret Mead, Bronislow Malinowski, and Simone de Beauvoir. The trouble with all of these books appears to have been sex.

ALL but first-class mail may be inspected for "obscenity" by any mail clerk in any post office and by any mail carrier on any route. If any such person imagines the contents—be it book, magazine, newspaper, pamphlet, photograph, film or advertising circular—to be obscene, the contents will be refused, or if accepted, will not be delivered to the addressees. In some cases the addressor will know of this; in most cases he will not know, since the matter is examined and its "obscenity" discovered subsequent to deposit in the mails. If the mail has been intercepted rather than rejected by the local post office, the contents are transmitted to the Solicitor for the US Post Office Department at Washington, D. C. for review of the decision that the matter is obscene. At the Solicitor's office the "obscene" character of the matter is weighed by one or more of several persons who mark the offending passages and decide whether the literature is obscene or not obscene. This decision is in turn reviewed by the Solicitor (or Assistant Solicitor) who makes the final decision—in law imputed to the Postmaster General. If the literature is, in this fashion, finally found not to be obscene, it will be returned to the local post office with instructions to accept or forward the material to the addressees. The addressor and addressee ordinarily will be ignorant of this misadventure to their mail. If the Solicitor decides the matter is obscene the local postmaster will be instructed to notify the addressor that his mail has been intercepted and that unless he "show cause" within 15 days why the matter should not be disposed of as "non-mailable" matter, it will be disposed of as "obscene," ultimately to be burned. In such a case the notice from the local postmaster to the addressor, which may follow the act of seizure by many weeks, may be the first notice to anyone that mail in transit had been seized.

There are no rules or regulations duly promulgated and posted by the Department in the Federal Register or codified in the Code of Federal Regulations to disclose the procedures by which "obscene" mail is handled or to apprise interested persons of their rights or how to protect their rights. No hearing of any kind familiar to judicial or administrative due process is ordinarily, at any time, afforded the addressor or addressee of intercepted mail. If an interested party threatens or acts to sue the Postmaster General or his agents, he may be notified by the Solicitor that a "hearing" on his mail has been scheduled. But the value of any such hearing before the Department is dubious, since the matter has already been seized, the Solicitor has already determined the matter to be obscene, and the functions of "prosecutor" and "judge" merge in the Solicitor.

THIS practice of seizing matter conceived to be obscene, without prior notice or hearing, is currently pursued by the Post Office Department on a day-to-day basis in disregard of the Court of Appeals for the District of Columbia, which, in *Walker* v. *Popenoe*, ruled that allegedly obscene mail must be carried and delivered unless and until such time as the Post Office had already determined upon fair notice and full hearing that the matter was obscene. Pending such a hearing and decision, and apart from other constitutional questions, seizure would be unlawful. But the Post Office proceeds as though *Walker* v.*Popenoe* were but a bad dream.

The power of the Post Office to censor and prevent delivery of matter conceived by it to be obscene is presumed to be authorized by Section 1461 of the US Criminal Code. It is of more than academic interest that the Department's seizure power can only be *implied* from the language of this criminal statute; that this power was never the subject of

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debate when the law was enacted in either house of Congress; and that the constitutionality of this power has never been decided by the Supreme Court, although the power apparently has been exercised by the Department for some eighty years.

The seizure power is, however, but one of two broad powers under which the Post Office Department functions to challenge the sexual morality of literature and art sent through the mails and to restrain publishers and distributors of sexually "immoral" literature and art.

In 1950, Congress passed another postal obscenity law. Like the original obscenity exclusionary law, there were no Congressional debates and no floor discussions whatsoever on the bill. Carefully read, the bill gave the Post Office Department the power to sever *in toto* and *indefinitely all* mail communications addressed to any person or firm or company conceived by the Post Office to be making use of the mails to deal with obscenity. As a past Solicitor described the effect of such "stop" orders:

> They don't deliver any more mail of any kind to the particular defendant or respondent, as we call them in those actions. In other words he can't even get a telephone bill or he can't get a postal card from his wife or daughter or anyone else.

Significantly this power could be enforced by the Post Office against a book publisher whose means of distribution was by private motor vehicle but who received payment through the mails for books distributed. For example, the New American Library of World Literature, Inc. uses the mails to receive payment for its books although the mails are not used as the principal means of distributing the books. The Library published in 1953 a paper-back reprint edition of James Jones' novel *From Here To Eternity*. A few copies of this edition were sent through the mails and found obscene by the Post Office Department. The Library had also published in 1952 a pocket-size reprint edition of Alberto Moravia's novel *The Woman of Rome*. A copy of this edition was sent through the mails. The Post Office found it obscene. Although the Post Office seized and refused to deliver these books, it did not go on to find that the Library was "obtaining, or attempting to obtain remittances of money . . . through the mails for any obscene . . . matter . . . " It did not go on to order all mail addressed to the New American Library of World Literature, Inc. stopped and returned as "unlawful" to the senders. Had the Post Office exercised its "option" to issue such an order, and been upheld in such exercise—the business operations of the New American Library of World Literature, Inc. would have been crippled.

This is the first section of a two-part essay. Mr. de Grazia has written a more detailed and legalistic study on the subject of the powers of the postal authorities which appears in the Fall issue of *Law and Contemporary Problems*.

The World Under Water

by Jacquetta Hawkes

THE sea makes one of the greatest and most ancient symbols known to man. Everywhere and at all times it has been seen as expressing the feminine and unifying, the infinite and eternal.

Happily, scientific discovery has tended to enrich rather than detract from the sea's power to convey symbolic meaning. The task of a book such as *The Edge of the Sea* is at once to describe what is actual, the fascinating varieties of marine existence that nature has contrived to fit into every coign of vantage, and to invoke the poetic meaning lying behind, making fact glow with a greater significance, elusive but certainly radiant.

The Edge of the Sea, by Rachel Carson (Houghton Mifflin; $3.95).

That Rachel Carson succeeded in achieving this illumination of facts in *The Sea Around Us* is well known. Most readers nowadays having lost direct access to poetry love to reach it in this way, by means of the scientific facts whose significance and value are accepted in the modern world. Hence the enormous popularity of Miss Carson's first book. I think she has succeeded again, although with enough weakening and diminishment for even this success to appear a little sad. The truth is expressed in the title: Miss Carson having exhausted the heart of her subject, has been forced to move out to gather what was left round the periphery.

Although they have nothing to compare with the weird majesty of the oceans themselves, the seashores of the world still offer an abundance of subjects worthy of Rachel Carson's high descriptive powers. The rocky, the sandy and the coralline varieties of coast make the threefold division of her book; as all three occur in succession down the eastern seaboard of North America, the most detailed and personal descriptions are set there, yet always with a wider reference to comparable coasts throughout the world.

Moon and tides control the harmonies of time and space that give so satisfying a regularity to the life of the shore. The semi-diurnal rhythm of the tides along the beach causes a zoning of its life as regular and easily recognizable as the notes of a scale. Some of the most delightful passages in *The Edge of the Sea* describe the opening and closing of shells and tubes, the expansion and contraction of feelers and flagellæ, the stillness and quick activity of mobile creatures, that accompany the ebb and flow of the tides.

Beyond this rapid tidal rhythm, moreover, the moon conducts life with a slower beat. Thus there is a sea urchin of the Tortugas that spawns only at full moon, a hydroid that releases its medusae offspring always during the third lunar quarter, and the famed Palolo worm among whose many peculiar habits is that of spawning always at the same lunar phase of the same one month in every year. So hours, days and nights, weeks and months are marked as though by clock and calendar, a marking of time and season that has gone on with only the slowest of changes through vast geological ages.

At the heart of it all revolves that wheel to which we, too, are bound, the wheel of consuming and being consumed. Algae, sea weeds and the microscopic myriads of the plankton form the basis of the marine eating order, just as

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grass and other types of vegetation do on land.

Hosts of mild little creatures have devised means for gathering and trapping them, while many others feed on waste and carrion. Tyrannizing over this peaceful life are predators as fierce as the fanged and clawed carnivores of the land. The picture of the wide muscular foot of the welk enveloping its prey while the radula saws through the shell to reach the helpless inmate, is pitiless as any in nature.

Miss Carson succeeds admirably in conveying a sense of the richness and intricate interrelatedness of the life she describes. No jeweller could create a work so delicately interlocked and encrusted. The ingenuity of the different means devised for feeding, mating, breeding and preying is overwhelming—perhaps even repellent—yet the author contrives to unify it as an expression of the wholeness of life and its unwearying energy. She has been successful in this, and also in avoiding the chief dangers of this kind of writing—the lure of the purple patch and the false poetic. Perhaps she is not quite so innocent of dressing up the obvious in some of her generalizations, as, for example, when she says "as long as there has been an earth and sea there has been this place of the meeting of land and water." But such lapses are very few. What she could not hope to avoid in treating a subject without climaxes is a certain monotony. Reading her book through is like eating a meal composed of a succession of beautifully prepared hors d'oeuvres.

This sense of repetitiveness will not trouble those who dip into *The Edge of the Sea* savouring the finely exact accounts of sea lives strange as fairy tales; nor will it be felt by those who use the book (as it can well be used) to add to the interest of a seaside holiday. Yet it would be very wrong to recommend such intermittent attention. Those who are willing to risk some surfeit by reading through can be rewarded by gleams of the symbolic radiance of the sea, and by a vision of the whole of life in time, evolving towards its hidden, mysterious ends.

Fraternities Without Fraternizing

by D. F. Malcolm

THERE is some special magic which surrounds college social fraternities, making them all but invulnerable to sane analysis. If you bring the plainest statement of fact within ten inches of a Greek letter it will, likely enough, explode in dazzling absurdities under your nose.

Fraternities Without Brotherhood, by Alfred McClung Lee (Beacon; $1.95).

The obstacles being what they are, Alfred McClung Lee deserves a special commendation for his sober — even straight-faced — report on racial and religious prejudice among the Greeks. The strain upon the author must have been terrific, and in a few places the hyperbole peculiar to the subject shows through. The preface, for instance, contains this sentence: "To the extent that Aryanism persists in them, social fraternities represent a basic threat to democracy in the United States. . . ." Now here I can't help feeling that Mr. Lee, himself a member of no fewer than five fraternities, is overstating the case just a little. I prefer to believe that democracy might manage to limp along in the future, as it has in the past, without conspicuous help (or hurt) from the fraternity system.

This reservation aside, I have no quarrel with Mr. Lee. He has performed a scholarly and exhaustive study of the discriminatory clauses in fraternity constitutions, the progress made toward their removal, and the sources of opposition to that progress. Further, he has evidently gone to a great deal of trouble to collect all the arguments that have been offered in defense of the status quo and has dissected these delicate creatures with meticulous care. Altogether an impressive job and I warmly recommend the book to all those who, like Mr. Lee, feel concerned about preserving and improving the fraternity system, as well as to those who, like myself, merely enjoy watching fraternities as some men enjoy watching birds.

Yet I wonder if Mr. Lee's group isn't making things unnecessarily hard for itself. It seems to me that the simplest, speediest, and most effective way to solve the problem of discrimination in fraternities is to abolish the fraternities. The affiliate will no doubt find this a rather indecent sort of suggestion—like proposing to cure dandruff by decapitation. But why not? At least there can be no question about its effectiveness. And the loss to American education is one that it could well sustain.

I CAN think offhand of only three justifications of the fraternity system. The first—that it constitutes a sort of athenaeum for the mutual promotion of learning among the members—is rarely encountered these days, except deep in the dull columns of fraternity magazines where it is safe from irreverent snickers. The second—that it educates the student to take his place as a responsible citizen in an adult society—gives rise to interesting speculations as to what is meant by "responsible citizen" and "adult society." The third and most prevalent simply relies upon the spirit of fellowship, of brotherhood, that supposedly pervades the system.

This spirit has always puzzled me, and this in spite of the fact that I was given a first-hand glimpse of it in the Fall of 1950 when I pledged a fraternity at the University of Michigan. (I gather that the group in question considered my subsequent behavior pretty outrageous so I won't add to my disgrace by dragging its good name through these columns. Instead, with consummate delicacy of feeling, I shall refer only to the initials—which were ATO.)

In the beginning at least, I think I made a tolerably good fraternity man. I diligently memorized the words of the fraternity's songs, e.g., "We are the great big (*boom*) hairy-chested men (*boom*) . . . etc." I learned not to say "frat" for "fraternity." In time I think I would even have mastered the Laocoonesque complexities of the Secret Grip.

But somehow I never got the hang of the brotherhood.

This was not for want of helpful lessons. I was walloped on the derrière in the name of brotherhood. I was made

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to stand on a chair and answer absurd questions in the name of brotherhood. I was generally chivvied in the name of brotherhood. I was told about the coming Hell Week with its further wallopings, chivvyings, humiliations, absurdities, doses of pills with Technicolor effects, and general abuse; all to be administered in the name of brotherhood. Yet somehow the *feeling* of brotherhood eluded me. I suppose I'm just insensitive to it; I couldn't even find much satisfaction in the knowledge that I would be permitted to mistreat next year's pledges.

My misgivings on the matter reached some sort of climax one afternoon when a member of the student legislature came around to the house to explain a debated bill calling for the removal of all bias clauses from fraternity constitutions. (Until then, no one had seen fit to tell me that the ATO constitution contained such a clause.) His efforts to gain support for the measure got nowhere.

The responses varied from truculence —"No one's going to tell *us* who to pledge"—to naïveté—"But they've got their *own* fraternities"—to practical— "The national organization would never allow it"—but all to the same general effect. The legislator patiently grappled with each of these arguments in turn—but without producing the slightest change.

I LEAVE it to the reader to root around for this *arrière-pensée* if he wishes. For my part, I will simply note that at this point my pledgeship ended on a note of symmetrical disenchantment with the ATO notion of brotherhood. I had been physically abused at one end and then, perhaps by way of compensation, thoroughly disabused at the other. Murmuring a polite excuse, I depledged.

But it was not to be so easy. Delegations from the fraternity devoted several days to trying to persuade me to change my mind. This was not a tribute to my winning ways; there persists in fraternity circles the odd belief that it is a black mark against a house to lose a pledge, and likewise, that it is dishonorable for a pledge to resign. When I remained stubbornly unreasonable, a sudden coolness was noticeable in the house's attitude toward me. Not to put too fine a point on it, most of my erstwhile brothers cut me dead whenever we met on the campus, so fragile a thing is the brotherhood of man.

In a surprisingly short time I recovered from this blow sufficiently to sit up, take a little light nourishment, and watch the progress of the bias clause bill (which Mr. Lee discusses at considerable length). It squeaked through the legislature, was approved by the Student Affairs Committee 7-to-6 and went before President Alexander G. Ruthven who vetoed it, arguing, with delightful inconsequence, that "it is a long established rule of law that no individual has an inherent right to membership in any particular organization." A watered-down version of the bill was presented the following year to Ruthven's successor, Harlan Hatcher. Although his veto lacked the Puckish charm of his predecessor's, it did at least provide another butterfly to be broken on the wheel of Mr. Lee's stern logic.

The new president opted for "the processes of education and personal and group convictions," which would, he said, "bring us forward faster, and on a sounder basis than the proposed methods of coercion."

But the last I heard ATO still had its bias clause.

Herblock and HPX2

by Robert Engler

TWO American characteristics that are getting hard to find are moral indignation—the ability to get mad and say so in face of deviations from basic standards of decency and principle, and humor—the ability to lean back and laugh at public figures, weighty problems and sacred institutions. Humor has become hucksterized. Indignation, when

Herblock's Here and Now, by Herbert Block (Simon and Schuster; $2.95).

expressed, is aimed at criminals, subversives, and politicians and nations who differ with us.

Into this setting comes Herblock, with brush and typewriter, to combine criticism, crusading zeal and wit. He is a daily threat to the Madison Avenue practitioners and their Pennsylvania Avenue disciples who confuse responsible government with selling cars:

> Ordinarily old-fashioned hocus-pocus has always been with us. The amazing quick-action job of Miracle Ingredient HP2x (hocus-pocus twice multiplied) is that it performs a slick-as-a-whistle conversion of ordinary hogwash into rich sudsy stuff which produces an authentic-looking luster, sparkling with simulated sincerity. I don't like it, and my particular beef—without any special tenderizing—is smooth, velvety Political HP2x.

A frank partisan of democratic principles, Herblock opens by pulling the wrappings off fence-sitting "objectivity." He rips into fraud and expediency, whether it's the pious kind of Secretaries Talbott and Dulles or the crude hallooing of Senators McCarran and McCarthy. The security system is described as an insecurity system and the ideal public servant one with large holes running through his head ("That's The Kind We Want—You Can See Just What He's Not Thinking"). Faceless informers ("have testimony, will travel") and ignorant investigators are shown in terms of their private motivations, exaggerated fears and effect upon democratic institutions. The officer candidate who confides to a receptive Security Board that "I've Never Been Good to my Mother" and the foreign service officer who thinks he should clear his Christmas card list illustrate our madness.

No one is blunter in delineating the cynical and unshaven features of McCarthy, knuckled to by the clean shaven. Nixon, by contrast, generally appears as a well groomed all-American boy—who shaves daily with HP2x.

Corrupt politicians are a favorite target, but Herblock does not neglect private economic forces out to capture public policy. His defenses of our natural resources deserve special praise, as does his eloquence on the inadequacy of our school, housing and Point IV programs. And what better summary is there of the bankruptcy of the present administration's philosophy than: "Rest Assured That If We Find One Polio

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Germ Crossing A State Line—"; or of the difficulty of relying upon its word:

> When you think the team has taken a good stand on something, there's nothing more embarrassing than getting in the middle of a long cheer and suddenly finding that they've executed the maneuver known as getting the hell out of there.

Herblock thinks through each cartoon himself. He forcefully makes clear how far we have departed from our democratic heritage, and he does so without a trace of despair.

The Values of Pioneers

by Richard B. Woodbury

THE American frontier today no longer divides the settled East from the untamed West as it did in the 19th century. Nevertheless, in recent decades pioneers have continued to take up unoccupied land, break the soil, and build homes, in the hope of a better life than the one they left behind. Even more important, the frontier point of view continues to be a potent force in American life, for better or for worse, and motivates many individuals who have never put their hands to axe, plow, or bulldozer.

Modern Homesteaders: The Life of a Twentieth-Century Frontier Community, by Evon Z. Vogt (Harvard; $4.25).

In *Modern Homesteaders* Vogt examines a single frontier community in western New Mexico. Homestead (a fictitious name) was founded in 1931-32 by migrants from the Texas plains, farmers, tenants, and laborers. They were not penniless "Okies" even though in precarious straits; instead of moving on to California they filed homesteading claims and began farming land never before plowed. Although all aspects of life in Homestead are carefully documented — population, income, recreation, farming methods, and so on—the major concern is with the value system of the community and the ways in which it determines the Homesteaders' reactions to various situations. That system includes a stress on individualism in social relations (every man his own boss); a desire for mastery over rather than harmony with the environment; an emphasis on the future (the "booster" spirit); an emphasis on a suitable balance between working and loafing throughout the year; and a complex combination of group-inferiority and group-superiority in their orientation to neighboring groups.

These are widely held American values, but by no means universal even in the United States. The value system of the Homesteaders, as of most of us, was learned early in childhood and remains virtually unchanged except in rare exceptions. Values are not constantly readjusted to changing circumstances, but are "built in," changing only superficially with changes in occupation, status, or class position. In Homestead the lack of community cooperation and the adherence to bean farming on marginal land threaten the future of the settlement, at the same time that there is a strong desire to see it grow into a big city "like Plainview, Texas." Likewise the habit of loafing during much of the slack season from harvest to spring plowing persists in the face of serious economic difficulties.

Although their pattern of life and their attitudes greatly reduce the Homesteaders' contact with nearby groups, the presence of fundamentally different cultures in the same region provides striking contrasts in the occasional comparisons that are made. Although Vogt refrains from extending his findings beyond their immediate context, they have much wider applicability.

With many parts of the world today receiving aid in technological development from the United States, it is salutary to be reminded that a people's value system can and usually does remain little changed while externals are conspicuously modified, and that value orientations persist in spite of economic pressures. This volume will be widely appreciated not only as a stimulating and readable account of one facet of American culture, but for the insights it provides into the crucial role that value systems play in every culture.

The Basic Virtue

THE basic virtue, courage, the foundation of all others, is treated by the Senator from Massachusetts largely as it affects the Senate. John Quincy Adams, Daniel Webster, Thomas H. Benton, Sam Houston, Edmund G. Ross, L. Q. C. Lamar, George Norris and Robert A. Taft, the subjects treated at length, all served in the Senate, although their most impressive demonstrations of moral courage were not necessarily connected with their duties.

About these men Senator Kennedy has written a series of charming historical essays, with brief notice of some others. A foreword on "Courage and Politics" and an afterword on "The Meaning of Courage," complete a volume that deserves the praise accorded it by Allan Nevins in an enthusiastic introduction. This reader was delighted beyond all else by the way the author has spotlighted Old Bullion Benton, of Missouri, by reprinting some of his priceless dicta—as, for instance, when some nit-wit asked him if he had ever known Andrew Jackson: "General Jackson was a very great man, sir. I shot him, sir." And again: "I never quarrel, sir, but I sometimes fight, sir. And when I fight, sir, a funeral follows, sir."

Profiles in Courage, by John F. Kennedy (Harper; $3.50.)

The Senator is not too cheerful about the immediate rewards of courage, for they frequently include obloquy and political extinction; and he admits that some men have the courage of their prejudices, not their convictions. But he has faith to believe that the man whose price is honor in the course of time is always paid his price, if not by his contemporaries, then by posterity. It is a faith that makes a stimulating book.

GERALD W. JOHNSON

Notes on Contributors

EDWARD DE GRAZIA, a Washington lawyer, has acted as counsel for the American Civil Liberties Union. JACQUETTA HAWKES' newest book is *Man on Earth*. D. F. MALCOLM is a recent graduate of the University of Michigan. ROBERT ENGLER is on the faculty of Sarah Lawrence College. R. B. WOODBURY is a young anthropologist.

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TELEVISION

AFTER Adlai Stevenson's recent appearance on the CBS television program, *Face the Nation*, a Chicago columnist reported that the Democratic candidate was depressed by the treatment he had received and that he would be most reluctant to take part in any future shows of this type. It's easy to believe that Mr. Stevenson felt that way, though it's hard to see why the badgering came as any shock to him. If he had ever watched a television panel "interview" a victim, he should have known what to expect. He should have known that every attempt would be made to trap him in inconsistencies, that he would be encouraged to attack his political opponents but would be given no real opportunity to present his own positive views on current affairs. He should have suspected, at least, that he would be accused to his face of having a "flip" attitude, that he would be repeatedly interrupted with a rudeness seldom accorded guests in most civilized societies.

Actually, Mr. Stevenson has a good deal to be thankful for. Instead of appearing on *Face the Nation*, he might have accepted the hospitality of NBC's *Meet the Press*, which also convenes on Sunday afternoons. The *Meet the Press* panel, sparked by Lawrence Spivak, God's Angry Little Man, and by the alternate prosecuting attorney, May Craig, functions with all the venom and brutality of that one-man investigating committee which once threatened the nation's sanity. As far as I've been able to make out, it doesn't even pretend to take an interest in the significant ideas or activities of the people it examines (though I seem to detect a somewhat more gentle handling of middle-of-the-roaders than of those who might very loosely be called liberals). Instead, it begins to pick away at the sorest point it can find and continues to pick until the victim explodes in wrath, or collapses in sick despair, upon which the panel grins happily.

Some weeks ago *Meet the Press* gave the full treatment to Robert Maynard Hutchins, concentrating on a single theme for almost the full thirty minutes: "You have been quoted as saying that you might hire a Communist. Do you mean to say that you would hire a Communist?" Confusing itself, as it customarily does, with a judicial body, the panel reached the stage of pounding the table and demanding a flat and immediate "Yes" or "No." Mr. Hutchins refused to explode or collapse and also refused to say "Yes" or "No." In the last few moments of the program, he complained sadly that no one had asked him anything at all about the work done by the Fund for the Republic in combatting racial discrimination. The Fund spent considerably more time and money on this matter, he said, than on anything having to do with Communism. The panel still asked him nothing about the Fund and racial discrimination, and when the show went off the air, Mr. Hutchins looked very tired.

It seems perfectly obvious that the purpose of the panel show is to bait and embarrass (though there is a marked difference in the treatment accorded individuals representing conservative and liberal schools of thought).

The reason for turning the TV interview into a sort of kangaroo court is probably twofold: first, the show itself is made more dramatic—there is tension and suspense ("Will he crack? Will he confess? Will he smack Spivak on the nose?"); second, there is a better chance of getting a news story. The man who is badgered is the man who blurts, and practically every Monday now, there is at least one idiotic news item gleaned from the outbursts which take place on the Sunday panel shows.

There is evidence that the panels, or, at least, the producers of the shows, realize just how objectionable they are. During the Christmas season it was announced that *Meet the Press* would keep Yuletide spirits from being soured by foregoing its typical prey and welcoming instead the good, grey poet, Robert Frost. Well, Mr. Frost appeared, and for a while everything was jolly and gentle. But pretty soon the panel began to interrupt the poet, and before long it was cross-examining him about some statement he was supposed to have made when he was sixteen, or sixty, or some such age. Mr. Frost just smiled and nodded and kept on quoting poetry, but it was clear that—Christmas or no Christmas—the panel was still determined to make a liar out of somebody.

DAVID R. EBBITT

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CORRESPONDENCE

► Omnibus and the Egg-heads

SIRS:

SOMETHING must be said about David Ebbitt's comments (*NR*, January 2) on Dwight Macdonald's profile of *Omnibus* in *The New Yorker*, but it is very difficult to be sure just what ought to be said since Mr. Ebbitt's remarks are far from clear, at least to me. Thus:

> I liked Mr. Bernstein better on the art of conducting, about which I know nothing, and *I wouldn't be surprised* [my italics] *if* Mr. Dwight Macdonald loathed it. I was amused (!) [my exclamation points, here, and hereafter] by Esther Williams in the Yale swimming pool [the Yale swimming team did not look amused, although they did look extremely interested] which Mr. Macdonald *probably* hated.

Probably is a wonderful word, but it is a certainty that Mr. Macdonald went to Yale and highly improbable that he hated the sight of Miss Williams at the Yale swimming pool. Having known Macdonald for the past 18 years well enough to quarrel with him repeatedly about popular culture among much else, I feel reasonably sure that Mr. Macdonald was pleased to see Miss Williams at Yale and may very well agree with me that she ought to concentrate more on swimming pools and less on film scripts full of swimming pools.

"I was bored," Mr. Ebitt immediately continues, "by Antonio and his Spanish dancers, which he *may* have loved." These carefree assertions are then annihilated by Mr. Ebbitt's next sentence: "But I doubt that Mr. Macdonald saw these other *Omnibus* shows. I don't think he's watched much TV."

Mr. Ebbitt does not know Mr. Macdonald, for the habits of careful research which Macdonald contracted while working as a writer for *Fortune* make it reasonably certain that he would not write about the *Omnibus* show without watching it a good deal.

There may be little or no point in correcting Mr. Ebbitt thus in detail, but before going on to less detailed points, I must mention Mr. Ebbitt's citation of the *Omnibus* production of *King Lear*. Anyone who did not see it would be deceived into thinking it must be a good idea. Since I did see it, I can say with certainty that it began with introductory remarks apologizing for Shakespeare's cynicism and pessimism, a failing which the modern audience was asked to forgive in the greatest of English poets and playwrights, since he lived in the Elizabethan age. The production itself made me think of the story of a production of *Hamlet* in England which made a gallery god depart howling "I hate Shakespeare." Among other interesting and original effects, the wind on the heath was so loud that it drowned out the actor's speeches, which was just as well, in a way, since when one did hear them, they sounded as if they were talking pig-Latin while drinking soup. This is merely an impression, but it is not only mine: I was sufficiently distressed to read the TV critics, fearing that my own horrified amazement might be so extreme as to indicate that there was something wrong with me on that Sunday afternoon at five o'clock; I was relieved—but only about myself—when I saw that others had been equally disgusted.

What is more important, and elusive, however, is Mr. Ebbitt's purpose and point of view. He speaks of *Omnibus* as if a consistent and obvious change had not occurred in each of the three years since the program was launched by the Ford Foundation. Mr. Ebbitt dismisses with ill-tempered scorn Mr. Macdonald's remark about *Omnibus'* acquisition of sponsors or "regular subscribers." But the point is that once the sponsors began their sponsorship, the initial purpose of the Ford Foundation began to be diluted or mixed up with a good many other things, including the natural desire to please the sponsors or subscribers. There would have been no reason or justification for backing such a program at all, if it had not been obvious sponsors have an unfortunate effect upon most TV programs. Commercials are a fact, a distressing and irritating fact, as most TV watchers will testify, and despite the manifest urbanity and charm with which Mr. Alastair Cooke spoke of the subscribers, or the grace with which he interrupted the program to make way for the commercials, they remained commercials.

One of the subscribers, the Greyhound Bus Company, was not only an interruption and irritation, but an enigma, like the Sphinx, intensifying one's sense of ignorance and stupidity, since it was impossible to figure out how many bus customers were supposed to be lured to buses by watching *Omnibus*. Perhaps the Greyhound executives were interested not in customers, but good will, prestige, or helping to improve the level of popular culture. If this is true, they are wrong. Their "subscription" will do as little to help *Omnibus* and improve the standards of TV as riding in a Greyhound bus.

Mr. Ebbitt is certainly upset about a good many matters, other than the fact that highbrows, as he calls them, are intellectual snobs. But whatever it is which really has made Mr. Ebbitt indignant, it has something to do with his feelings about highbrows, though he sometimes sounds as if he were something of a highbrow himself, in a state of self-hatred. Perhaps he is fortunate enough not to be a highbrow, or as he would prefer to say, for various reasons an egghead. I do not know how he arrived at his statistics about the number of eggheads—17 million—but granting that it is correct, what can his purpose be in attacking this minority? Is he trying to protect the readership of *The New Yorker*, or *The New Republic*, or both from the cultural snobbery of Mr. Macdonald's point of view and that of other eggheads? Or is he attempting to defend the great majority of the population from the supercilious disdain of the egghead minority? If so, he's wasting his time. The non-egghead majority can defend itself very well.

DELMORE SCHWARTZ

New York City

► What TIME Is It?

I got a belly laugh (albeit a wry one) from "What TIME Is It?" by Milton Gwirtzman (*NR*, January 16). Yet flip-flopping *Time* has nothing on its sister magazine, *Life*, as witness the following:

> Our greatest need is a long-range strategy of our own, one made so clear that all our citizens can understand it . . . Yet the Communists already are outflanking us. The free world keeps groping . . . It is time we stopped waiting to see what the Communists

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do next . . . if our diplomacy is ever to succeed we must start shaping and exploiting events, rather than merely reacting to Communist-created ones. Bold action is needed, and needed now. (*Life*, Jan. 9, 1955)

And just one week later, in the Jan. 16 issue of *Life*:

Today the world, free and slave, knows not only where the US stands on the question of Communism but what the US intends to do about it. And they know bcause the US Secretary of State himself has told them, in the greatest display of personal diplomacy since the great days of the Franklin-Adams-Jefferson triumvirate in the Europe of the 1780s.

ALLEN KLEIN

Mount Vernon, N. Y.

► Kefauver's Candidacy

SIRS:

In spite of *The New Republic's* avowed preference for Stevenson as the presidential candidate of the Democratic Party, Michael Straight's article on Sen. Kefauver was a reasonably objective effort.

Nevertheless, as a New-Deal Democrat, I am puzzled that more liberals are not aware that Mr. Stevenson, while still a brilliant and competent man, has made so many compromises to please the conservatives and Dixiecrats, that he is not a liberal candidate any more. Mr. Stevenson's program of "moderation" is the equivalent to the French *immobilisme*, i. e. stagnation.

ARIS ANAGNOS

Beverly Hills, California

• • •

SIRS:

I have read Michael Straight's article "Kefauver Joins The Race" with deep appreciation if not with full agreement.. Mr. Straight recognizes the qualities in Sen. Kefauver that have made him the idol of millions. This sensitive reporting is particularly gratifying because so many writers have tried to make it appear that Sen. Kefauver, who has a long and distinguished record in Congress and the Senate, is a Johnny-come-lately and an opportunist. . . .

I doubt the validity of the oft repeated charge that Kefauver has no chance to gain the support of the big city Democratic organizations or of the South. The reasons usually given for this are 1. That the Kefauver Crime Investigation embarrassed some of the city leaders, and 2. That Southern leaders will never support Kefauver because he is too liberal for them.

The first implies that the Democratic city organizations are corrupt and do not want an honest man for president. There is no evidence whatever to support this view. The big city organizations may or may not support Kefauver for the same reasons that other Democrats may or may not.

The sweeping generality about the South rests on the false assumption that the South is all Dixiecrat or near Dixiecrat in its thinking. This is simply not true. So far from being different from the South, Sen. Kefauver is a product of the very strong liberal strain that permeates the South, that has been growing in political strength, that will have a substantial voice at the convention.

MARTHA RAGLAND
Democratic National Committeewoman for Tennessee
Nashville, Tennessee

► The Stevenson Campaign

SIRS:

In a letter to *The NR* (Dec. 10th) Edith Gifford suggested that all Stevenson supporters who have trouble finding extra-budgetary funds should try to think of novel techniques for setting aside money for the '56 campaign. Why not pay a penny for your thoughts?

So many of Stevenson's admirers applaud his speeches as thought provoking that the resulting cerebration should produce a tidy sum at a penny a thought.

DOROTHY NELSON

Glenview, Illinois

► Kierkegaard and Romanticism

SIRS:

In reply to Mr. E. V. Walter (Jan. 9) who took issue with my statement in the *Legacy of Kierkegaard* (Dec. 26) that "much of Kierkegaard's ambivalence may be called romantic. . . . ," may I say I appreciate Mr. Walter's disgust at having K. classified as a crypto-romantic, and regret if my wording seemed to him suggestive of this. I could not enter into the complex question of K's relations to German romanticism, Hegel in particular; but I took care to qualify my statement by pointing to K's love for Mozart, certainly not a romantic composer, and to his observant and reflective, rather than emotional and mystical, attitude to nature.

Nonetheless I should like to say that in my opinion K. was indeed a romanticist by temperament, although anti-romantic by conscious effort and intention. In this respect he might be compared to Flaubert or, even more poignantly, to Nietzsche. George Brandes, the great Danish critic, while recognizing K's greatness, deliberately tried to counteract his influence because he considered it romantic. The romanticists were not aesthetics pure and simple. They had many interests, literary and scientific; with some, religious preoccupation was basic (cf. Fichte, Novalis). In disagreement with many critics of today I see in Romanticism not so much a befuddler as a liberator, a movement of wonderful daring of the intellect and the heart and the mainspring of much that is valuable in our own mental attitude. I do not believe, as Mr. Walter does, that K. used the language of romanticism to seduce the reader away from it. Perhaps he wanted to seduce *himself* away from it; but, more likely, he carried on a genuine *monologue interieur*, debating the issue with his own heart.

E. M. FLEISSNER

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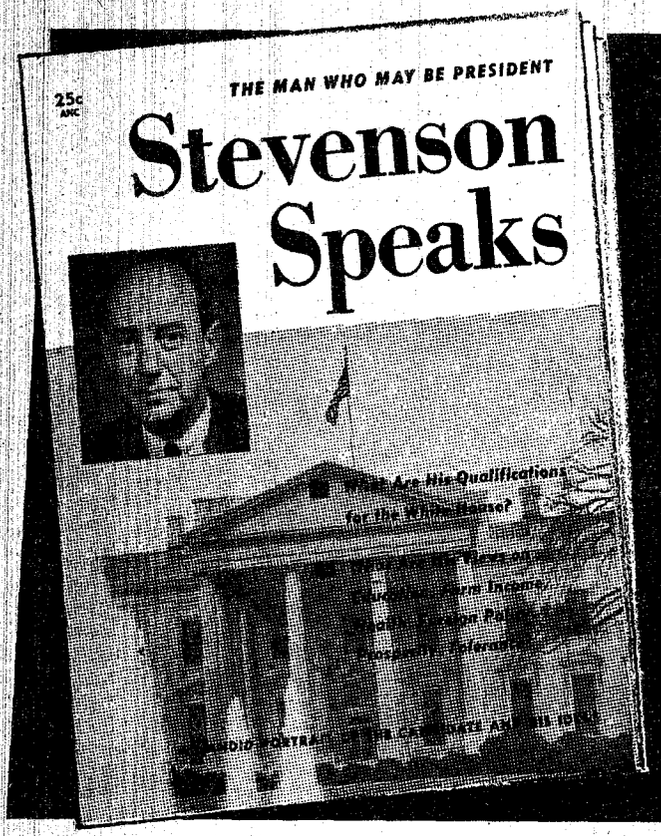

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